

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

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*Attorneys for BV Waco Central
Texas Marketplace, LLC*

In Re:

BED BATH & BEYOND INC., et al.,

Chapter 11

Case No: 23-13359 (VFP)

Debtors.

(Jointly Administered)

**LIMITED OBJECTION AND RESERVATION OF RIGHTS BY BV WACO CENTRAL
TEXAS MARKETPLACE, LLC TO THE PROPOSED CURE AMOUNTS SET FORTH
IN THE DEBTORS' NOTICE TO CONTRACT PARTIES TO POTENTIALLY ASSUME
EXECUTORY CONTRACTS AND UNEXPIRED LEASES /DOCKET NO. 714/**

BV Waco Central Texas Marketplace, LLC (“BV Waco”), by its attorneys, submit this limited objection to the above-captioned debtors (the “Debtors”) proposed cure amounts set forth in the Debtors’ *Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* (the “Notice”) [Docket No. 714].

1. BV Waco is the landlord and debtor Bed Bath & Beyond Inc. is the tenant under that certain Lease Agreement, dated June 12, 2014, which lease was assigned to BV Waco on August 23, 2016 pursuant to that certain Assignment and Assumption of Leases, dated August 23, 2016 by and between TFC CA Waco LP and BV Waco, and which lease was then amended

by that certain Amendment No. 1 to Lease Agreement, dated June 17, 2020 (collectively, the “BV Waco Lease”).

2. The Notice lists the cure amount for the BV Waco Lease as \$30,786.75.

3. In order for the Debtors to assume and assign the BV Waco Lease, the Debtors must cure any defaults under the BV Waco Lease.

4. As of July 3, 2023, and to the best of BV Waco’s knowledge, amounts in excess of the proposed cure amount set forth in the Notice are due and owing to BV Waco, and will continue to accrue under the BV Waco Lease through the date of assumption and assignment.

5. Specifically, BV Waco’s records show that, as of July 3, 2023, the amount of \$39,345.89 is due under the BV Waco Lease, excluding attorneys’ fees and costs.

6. An accounting of all liquidated amounts due under the BV Waco Lease as of July 3, 2023 is attached hereto as Exhibit “A.”

7. BV Waco submits that all amounts that are or may become due prior to the date of assumption and assignment of the BV Waco Lease should be included in the cure payments.

8. BV Waco reserves its rights to supplement, modify, or amend this limited objection until such time as a final order is entered approving the assumption and assignment of, and cure amounts with respect to, the BV Waco Lease.

9. BV Waco also reserves all rights afforded to counterparties to executory contracts and unexpired non-residential real property leases under all applicable provisions of the Bankruptcy Code, 11 U.S.C. §§101 *et seq.*

Respectfully submitted,

Dated: July 3, 2023

BODNER LAW PLLC

By: /s/ Jonathan S. Bodner

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EXHIBIT A

BV Waco Central Texas Marketplace, LLC

2194 Snake River Parkway, Suite 300
 PO Box 51298
 Idaho Falls, ID 83405-1298
 (208) 523-3794

STATEMENT

Location: 4633 South Jack Kultgen Expressway
 Waco
 TX

Bed Bath & Beyond, Inc

Bed Bath & Beyond, Inc - Waco Central Texas
 Attn: Lease Administration
 650 Liberty Avenue
 Union, NJ 07083

Unit: 102

Date: 07/03/2023

Message:

| Date | Description | Charges | Payments | Balance |
|------------|---|-----------|-----------|-----------|
| | Balance Forward | | | 0.00 |
| 03/01/2023 | Base Rent - Retail (03/2023) | 30,434.29 | 0.00 | 30,434.29 |
| 03/01/2023 | Annual Recon - CAM (01/2022 - 12/2022) | 8,559.14 | 0.00 | 38,993.43 |
| 03/01/2023 | Annual Recon - RE Taxes (01/2022 - 12/2022) | 30,786.75 | 0.00 | 69,780.18 |
| 03/03/2023 | ACH 20230303 | 0.00 | 30,434.29 | 39,345.89 |
| 04/01/2023 | Base Rent - Retail (04/2023) | 30,434.29 | 0.00 | 69,780.18 |
| 04/03/2023 | ACH 20230403 | 0.00 | 30,434.29 | 39,345.89 |
| 05/01/2023 | Base Rent - Retail (05/2023) | 30,434.29 | 0.00 | 69,780.18 |
| 05/02/2023 | ACH 20230502 | 0.00 | 30,434.29 | 39,345.89 |
| 06/01/2023 | Base Rent - Retail (06/2023) | 30,434.29 | 0.00 | 69,780.18 |
| 06/02/2023 | ACH 20230602 | 0.00 | 30,434.29 | 39,345.89 |
| 07/01/2023 | Base Rent - Retail (07/2023) | 30,434.29 | 0.00 | 69,780.18 |
| 07/03/2023 | ACH 20230703 | 0.00 | 30,434.29 | 39,345.89 |

| 0-30 Days | 31-60 Days | 61-90 Days | Above 90 Days | Amount Due |
|-----------|------------|------------|---------------|------------|
| 0.00 | 0.00 | 0.00 | 39,345.89 | 39,345.89 |

Make checks payable to: **BV Waco Central Texas Marketplace, LLC**